



COMPETITION POLICY

2004-2005

Professor Edward Iacobucci

BORA LASKIN LAW LIBRARY


AUG 17 2004

FACULTY OF LAW
UNIVERSITY OF TORONTO

COMPETITION POLICY

2004-2005

Professor Edward Iacobucci



Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

COMPETITION POLICY

TABLE OF CONTENTS

Useful Websites (as of June 2004):

Canadian Competition Bureau Website: <http://cb-bc.gc.ca>

Canadian Competition Policy Page: <http://csgeb.ubc.ca/ccpp>

U.S. Dept. of Justice, Antitrust Division: <http://www.usdoj.gov/atr>

European Directorate General IV: http://europa.eu.int/comm/competition/index_cn.html

I) INTRODUCTION

No readings.

II) AGREEMENTS AMONG COMPETITORS I

Atlantic Sugar Refineries Co. Ltd. et al. v. A.-G. Canada (1980), 54 C.C.C. (2d) 373 (S.C.C.).....II-1

Imperial Chemical Industries Ltd. v. Commission, [1972] E.C.R. I-619.....II-11

Interstate Circuit, Inc., et al. v. United States, 306 U.S. 208 (1938).....II-21

III) AGREEMENTS AMONG COMPETITORS II

R. v. Nova Scotia Pharmaceutical Society (1993), 49 C.P.R. (3d) 289 (N.S.S.C.).....III-1

Broadcast Music, Inc., et al. v. Columbia Broadcasting System, 55 F.R.D. 292 (1972).....III-23

United States v. Sealy Inc., 388 U.S. 350 (1967), as edited in Breit, W. and K. Elizinga (eds.), The Antitrust Casebook: Milestones in Economic Regulation (Dryden Press, 1982).....III-29

Transocean Marine Paint Association, Commission Decision 67/454, O.J. L 163/10 (July 20, 1967).....III-31

ACF Chemiefarma v. Commission, C-41/69, [1970] E.C.R. I-661.....III-36

Hartford Fire Insurance Co. v. State of California, 509 U.S. 764 (1993).....III-44

IV) MERGERS I

United States v. E.I. duPont de Nemours & Co., 351 U.S. 377 (1956).....IV-1

Canada (Director of Investigation and Research) v. Southam Inc., [1997] 1
S.C.R. 748.....IV-11

Canada (Commissioner of Competition) v. Superior Propane Inc., 2000 Comp.
Trib. 15.....IV-25

Federal Trade Commission v. Staples, Inc., et al., 970 F.Supp. 1066 (D.D.C.
1997).....IV-32

V) MERGERS II

Brown Shoe Co. v. United States, 365 U.S. 825 (1962).....V-1

United States v. General Dynamics Corp. et al., 415 U.S. 486 (1974).....V-8

United States v. Baker Hughes Inc., Eimco Secoma, S.A. and Oy Tampella AB,
731 F.S. 3 (1990), affirmed 908 F. 2d.....V-18

Mannesmann/Vallourec/Ilva, Commission Decision C-IV/M.315, O.J. No L
102/15 (1994).....V-28

Canada (Commissioner of Competition) v. Superior Propane Inc., [2001] F.C.J.
No. 455.....V-37

Canada (Commissioner of Competition) v. Superior Propane Inc., [2002]
C.C.T.D. No. 10.....V-51

AeroSpatale-Alenia/De Havilland, Commission Decision 91/619, O.J. L 334/42
(1991).....V-70

Boeing Company/McDonnell Douglas Corporation, FTC (No. 971-0051).....V-76

“The Commission Clears the Merger Between Boeing and McDonnell Douglas
Under Conditions and Obligations”, European Commission, July 1997 (Press
Release IP/97/729).....V-81

VI) PREDATORY PRICING

<u>R. v. Hoffmann-La Roche Ltd.</u> (1980), 28 O.R. (2d) 164.....	VI-1
<u>Canada (Commissioner of Competition) v. Air Canada</u> , 2003 Comp. Trib. 13	VI-18
<u>Brooke Group Ltd. v. Brown & Williamson Tobacco Corp.</u> , 509 U.S. 209 (1993)	VI-35

VII) PRICE DISCRIMINATION

<u>Utah Pie Company v. Continental Banking Company et al.</u> , 87 S. Ct. 1326 (1967)	VII-1
<u>Federal Trade Commission v. Morton Salt Co.</u> , 334 U.S. 37 (1948).....	VII-4

VIII) VERTICAL RESTRAINTS I

Resale Price Maintenance

<u>R. v. H.D. Lee of Canada Ltd.</u> (1980), 57 C.P.R. (2d) 186.....	VIII-1
--	--------

Exclusive Territories

<u>Consten and Grundig v. Commission</u> , C-56, 58/64, [1966] E.C.R. I-299...VIII-12	
---	--

IX) VERTICAL RESTRAINTS II

Exclusivity

<u>Canada (Director of Investigation and Research) v. Bombardier Ltd.</u> (1980), 53 C.P.R. (2d) 48.....	IX-1
<u>Tampa Electric Co. v. Nashville Coal Co. et al.</u> , 365 U.S. 320 (1961).....	IX-15
<u>Canada (Director of Investigation and Research) v. D&B Companies of Canada Ltd.</u> (1995), 64 C.P.R. (3d) 216.....	IX-21

Tying

<u>R.T.P.C., D.I.R. v. BBM Bureau of Measurement</u> , (1981) 60 C.P.R. (2d) 26	IX-57
--	-------

X) ABUSE OF DOMINANCE

<u>Canada (Director of Investigation and Research) v. Nutrasweet Co.</u> (1990), 32 C.P.R. (3d) 1.....	X-1
<u>United States v. Microsoft Corp.</u> , No. 00-5212 (D.C. Cir. 06/28/2001).....	X-19
<u>United States v. Grinnell Corp. et al</u> , 384 U.S. 563 (1966).....	X-30
<u>United Brands v. The Commission</u> , C-27/76, [1987] E.C.R. I-349.....	X-38

XI) APPENDIX: STATUTES

Canadian Competition Act, R.S.C., 1985, c. C-34 (See Bureau website for complete Act).....	XI-1
Competition Bureau Discussion Paper, “Options for Amending the <i>Competition Act</i> : Fostering a Competitive Marketplace” (June 2003).....	XI-34
Speaking notes for Konrad von Finckenstein, Commissioner of Competition, “Bill C-249; An Act to Amend the <i>Competition Act</i> ” (March 2003).....	XI-48
Bill C-509.....	XI-52
Bill C-249.....	XI-53
E.C. Treaty Articles, from Van der Woude, Jones and Lewis, E.C. Competition Law Handbook (London: Sweet and Maxwell, 1996).....	XI-54
Selected Antitrust Statutes, U.S., from Sullivan and Hovenkamp, Antitrust Law, Policy, and Procedure, 2 nd Edition (Charlottesville: Michie, 1989).....	XI-61